APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,742	11/05/2001	Bernard Iulo	POU920010025US1	5945

			EXAMINER
7590	03/16/2004		LU, KUEN S

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ART UNIT	PAPER NUMBER
2177	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/008,742	IULO ET AL.
	Examiner	Art Unit
	Kuen S Lu	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 05 November 2001.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/11-5-01*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because it recites claims and contains phrases which can be implied, such as "invention". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 1999, ORACLE®, hereafter "OEM1").

As per claim 1, OEM1 teaches the following:

"a user system, comprising: a workstation; at least one peripheral device in communication with said workstation" at Figs. 1-1, 1-2 and Pages 1-4, 1-5 where tier 2 of Oracle Enterprise Manager (hereafter "OEM") is the user system having Java Console as networked communication peripheral device;

"at least one software application executable by said workstation" at Fig. 1-1 and Page 1-4 where OEM is the application software;

"a consolidated monitoring tool executable by said workstation" at Fig. 1-1 and Page 1-4 where the Java Console at tier 1 is the consolidated monitoring tool; and

"a database storing information relating to products installed on said user system; and a communications link for allowing said user system to communication with a vendor system" at Figs. 1-1, 1-2 and Pages 1-4, 1-5 where repository installed on the managed nodes at tier 3 is the database storing information relating to products installed on said user system and the networked 3-tier framework is the communication link to communicate with the nodes at the tier 3;

"wherein said consolidated monitoring tool performs diagnostics, tuning, and configuration services to said user system" at Pages 5-1, 5-2, 5-9 and 5-14 where the diagnostics pack, tuning pack and change management pack are bundled to constitute the consolidated monitoring tool.

As per claim 2, OEM1 teaches "consolidated monitoring tool includes: a system monitor application; and an Internet connector application" at Pages 1-1, 1-2 and 5-18 where OEM

is the internet computing architecture system with monitor application integrated with

Oracle Internet Directory for internet connector application.

As per claim 3, OEM1 teaches "said system monitor application receives data from said

Internet connector application for use in providing configuration services" at Pages 1-4 and

5-14 by running Intelligent Agents and Data Gatherer on the OEM server and managed

nodes for processing requests through OEM' integrated application in order to support

OEM change management pack to change or configure OEM and applications.

3. Claims 12-14, 18-19, 21-23 and 27-28 are rejected under 35 U.S.C. 102(e) as

anticipated by OINS (Oracle8i Installation Guide, Enterprise Edition Release 3 for

Windows NT, November, 2000, ORACLE®, hereafter "OINS").

As per claims 12 and 21, OINS teaches the following:

"querying a user system for an inventory of all installed components upon installation of a

new component" at Page 5-2, Paragraph "Keyboard Navigation", by inventorying installed

products showing in the Inventory window;

"building a database of information relating to said installed components" and at Page 8-2,

lines 1-2 by showing the Oracle Universal Installer inventory is the repository of installed

products which provides information for de-installation;

"extracting data relating to said new component and vendor" at Page 5-2 by the summary

window where components about to be installed are listed;

"connecting to said vendor's web site using said data" at Pages 2-2, Paragraph "Web

based installation" and A4, by conducting web based installation where HTTP extension

server extension is supported for OEM;

"retrieving product information relating to said new component" at Page 5-2, Paragraph

"Keyboard Navigation", by selecting products to be installed by selecting available product

components;

"verifying requirements of said new product against existing installed components" at

Page 3-11, where the table describing the dependency of Oracle snaps-in components by

detecting dependencies and sequence among components based on products and types

of installation; and

"configuring said user system based upon said verifying said requirements" at Page 4-2,

by configuring database and network environment through verifying the requirement of the

environment.

As per claims 13 and 22, OINS teaches "installed components include: software;

hardware; and peripheral devices" at Page 1-2, Paragraph "Oracle8i for Windows NT

Overview" where the installed components are Java based Oracle Universal Installer

installed on a Java Runtime environment for all Java-enabled platforms where installed

components are required for the engine and environment.

As per claims 14 and 23, OINS teaches "database of information includes: product

name; product release level; product maintenance level; and contact information for said

vendor" at Appendix B by showing the product name/release and vendor information, for

example, Java Virtual Machine, Legato Storage Manager and Oracle DBA Studio.

As per claims 18 and 27, OINS teaches "configuring is automatically performed" at

Pages 4-2 and 4-3 by selecting typical installation where configuration is automatically

performed and no user input is required.

As per claims 19 and 28, OINS teaches "configuring is manually performed" at Pages 4-

2 and 4-3 where user's extensive input is needed for manually performing configuration.

4. Claims 20 and 29 are rejected under 35 U.S.C. 102(b) as anticipated over OEM2

(Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2,

September, 2000, ORACLE®, hereafter "OEM2").

As per claims 20 and 29, OEM2 teaches the following:

"monitoring activities occurring on an executing application" at Page 1-5 by monitoring

system and detecting system problem;

"upon encountering an error, intercepting said error, wherein: if said error is minor:

searching a database for said error" at Page 1-5 by noticing the error, being informed by

alarms/page/email, and diagnosing the cause of the problem;

"displaying a corresponding explanation of said error for a user via translation tables in

said database" at Page 7-3 by displaying the alerts including error code and diagnostic

message text; and

"displaying a corresponding set of action items for resolving said error or preventing a

future occurrence of said error; and if said error is severe: providing a detailed explanation

of said error" at Page 7-3 by displaying the alerts including error code and diagnostic

message text; "providing an explanation of a recovery plan underway to correct said error"

at Page 7-3, Table 7-3 by showing detailed message of an error event test; and

"connecting to a vendor for further assistance" at Tables 7-4 through 7-42 by reviewing

various vendors' event message and resolution description.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
are such that the subject matter as a whole would have been obvious at the time the invention was made to
a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

5.   Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over OEM1

(Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999,

ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM3 (Oracle®

Enterprise Manager, Getting Started with Oracle Management Pack for the Oracle

Applications, Release 2.2, September, 2000, ORACLE®, hereafter "OEM3").

As per claim 4, OEM1 teaches consolidated monitoring tool of a system for managing

system performance as described in Item 2.

OEM1 does not specifically teach "gathers information relating to a product installed on

said user system via an Internet connection to a vendor system associated with said

product", though OEM1 teaches Internet connector application gathering information.

However, OEM3 teaches performance manager can monitor where various products

are installed, including other vendors' products at Page 3-2.

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine OEM3 reference with OEM1 reference by

combining the OEM3's reference with OEM1's because both are directed to the same

product and the combination would have allowed users of OEM1 able to monitor where

various products are installed, including other vendors' products.

As per claim 5, OEM1 teaches "internet connector application builds a database based upon said information gathered and stores said information in said database" at Page 1-5 by using the repository database.

As to claim 6, OEM3 teaches "information relating to said product includes: product name; product version; product alert; and vendor contact information" at Page 3-2 by showing the Oracle and other vendors' products information which OEM can monitor.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over OEM1 (Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999, ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM4 (Oracle® Enterprise Manager, Getting Started with Oracle Change Management Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM4").

As per Claim 7, OEM1 teaches a system comprising a consolidated monitoring tool for managing system performance as described in Item 2.

OEM1 does not specifically teaches the tool to "determines optimum performance values for said user system and configures said user system in accordance with said optimum performance values".

However, OEM4 teaches tracking and making changes to the databases definition for improving performance at Page 1-1.

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to combine OEM4 reference with OEM1 reference by combining the documents together because both references are directed to the same

product (OEM) and the combined reference would have allowed OEM users referring to

all related functionality in a single volume of guide.

7. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over OEM1

(Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 31, 1999,

ORACLE®, hereafter "OEM1"), as applied to claims 1-3, and in view of OEM2 (Oracle®

Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2,

September, 2000, ORACLE®, hereafter "OEM2").

As per claim 8, OEM1 teaches a system comprising a consolidated monitoring tool for

managing system performance as described in Item 2.

OEM1 does not teach "said consolidated monitoring tool performs said diagnostics via:

retrieving a detailed description of an error encountered by said user system; and

presenting said detailed description to said user system".

However, OEM2 teaches "retrieving a detailed description of an error encountered by

said user system" and "presenting said detailed description to said user system" at Page

1-5 by getting an alarm, page or e-mail that the system is not working correctly.

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine OEM2 reference with OEM1 reference

because both references are directed to the same product (OEM) and the combined

reference would have allowed OEM1 users to retrieve user system error in great detail

and present the error status to user for prompt reaction.

As per claim 9, OEM2 further teaches "retrieving a list of action items from said

database; and presenting said list to said user system" at Page 1-7, for example, starting

fixing job in the OEM console by defining an event to automatically run a fixit job when the event is triggered.

As per claim 10, OEM2 further teaches "retrieving connection information relating to a vendor associated with an error encountered on said user system" and "connecting to said vendor and retrieving corrective actions from said vendor" at Pages 3-7 and 1-7 by connecting to a discovered service and manually connecting to the service of the vendor, such as Microsoft SQL servers; and "displaying said corrective actions for said user system" at Page 1-5 by diagnosing the cause of the problem on the monitoring tool.

As per claim 11, OEM1 teaches "said diagnostics, said tuning, and said configuration services are performed automatically by said consolidated monitoring tool" at Pages 5-1 and 1-13 by using Oracle Diagnostics, Tuning and Change Management Packs for performing the respective services automatically.

8. Claims 15-17 and 24-26 are rejected under 35 U.S.C. 102(e) as anticipated by OINS (Oracle8i Installation Guide, Enterprise Edition Release 3 for Windows NT, November, 2000, ORACLE®, hereafter "OINS") as applied to claims 12-14, 18-19, 21-23 and 27-28, and in view of OEM2 (Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack, Release 2.2, September, 2000, ORACLE®, hereafter "OEM2").

As per claims 15 and 24, OINS teaches managing computer system performance as described in Item 3.

OINS does not teach "product alerts".

However, OEM2 teaches "product information includes: product alerts" at Page 7-1 by providing warnings and alerts conditions.

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine OEM2 reference with OINS reference by

combining the documents together because both references are directed to the enterprise

management system monitoring and the combined reference would have allowed OEM

users equipped with functionality of system error diagnostics.

OEM2 further teaches the following:

"product maintenance level" at Page 7-3 where archiver hung is the product maintenance

level; "current message translation tables" at Page 7-3 by showing record of alert message

ORA-00257; and "diagnostic information" at Page 7-3 where 'archiving is hung' is the

diagnostic information.

As per claims 16 and 25, OEM2 further teaches "message translation table includes:

warning flags; error symptom strings; expanded text;" at Page 7-4 where data block

corruption is event with warning flags ORA-01578, ORA-27048 and ORA-01157 are

translated into brief and expanded strings of text, and "wizards" at Page xv by showing

various wizards of OEM diagnostics pack, including capacity planner displaying trend

analysis wizard at Page 4-39.

As per claims 17 and 26, OINS teaches verifying requirements at Pages 3-3 by showing

requirements of memory for components installation.

OINS does not specifically teach determining available memory.

However, OEM2 teaches "determining available memory" at Fig. 3-2 and Pages 3-10 by

monitoring the available memory.

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine OEM2 reference with OINS reference because

both reference are directed to enterprise system management and the combined

reference would have allowed OINS users not only monitor system resource utilization,

but also have clear concepts on available resources at the beginning of software

installation so that installation process could start only after knowing resources are there.

Conclusions

9. The prior art made of record

  U. Oracle® Enterprise Manager, Concepts Guide, Release 2.0, January 1999,

   ORACLE®

  V. Oracle8i Installation Guide, Enterprise Edition Release 3 for Windows NT,

   November, 2000, ORACLE®

  W. Oracle® Enterprise Manager, Getting Started with Oracle Diagnostics Pack,

   Release 2.2, September, 2000, ORACLE®

  X. Oracle® Enterprise Manager, Getting Started with Oracle Management Pack

   for the Oracle Applications, Release 2.2, September, 2000, ORACLE®

  Y. Oracle® Enterprise Manager, Getting Started with Oracle Change

   Management Pack, Release 2.2, September, 2000, ORACLE®

The prior art made of record and not relied upon is considered pertinent to applicant's
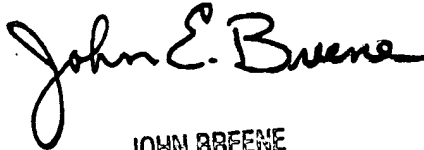
disclosure.

  A. U.S. Patent   5,655,081

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KL

Patent Examiner

March 5, 2004

JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100